



## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor  
George E. Meyer, Secretary  
Ronald W. Kazmierczak, Regional Director

Oshkosh Service Center  
905 Bay Shore Drive., P.O. Box 2565  
Oshkosh, Wisconsin 54903  
TELEPHONE 920-424-3050  
FAX 920-424-4404

September 27, 1999

Philip and Linda Malsack  
W781 Fox Court  
Montello WI 53949

SUBJECT: Conditional Closure of Lake Arrowhead Campground  
BRRTS ID# 03-39-002876

Dear Philip and Linda Malsack:

The above referenced case file has been reviewed by the WDNR's Northeast Region Case Closure Committee. This panel reviews environmental remediation cases for compliance with state laws, standards, and guidelines to maintain consistency in the closeout of cases. After careful review, the Committee has decided to grant a **conditional** case closure. At this time, it appears that actions have been taken to the extent practicable to restore the environment and minimize the harmful effects from this discharge to the air, lands and waters of the state.

### First Condition: Deed Restriction

The WDNR is requiring no further remedial action at this time; however, *You must file the attached "Declaration of Restriction" with your county Register of Deeds office within 30 days and send proof of this filing to the Department within 60 days of the date of this letter.* The attached restriction also includes maps which must be filed with the text. (The restriction is a Department standard format and has been drafted with oversight from Department attorneys. Please contact me if you have any questions or concerns regarding the restriction as written.)

Note: This restriction has been drafted with deed information supplied by the Responsible Party.

Please note that case closure is dependent upon the filing of this deed restriction. *If the restriction is not filed with the County Register of Deeds, the case remains active and continued sampling of the monitoring wells at the site will be required.* A workplan of the sampling schedule and maintenance of the monitoring wells will be required within 90 days of the date of this letter if verification of the restriction filing is not received as indicated above.

### Second Condition: Monitoring Well Abandonment

*After* filing the restriction with the county, all monitoring wells, sumps, and/or boreholes must be abandoned according to Chapter NR 141, Wisconsin Administrative Code. The abandonment forms (#3300-5B) should be sent to my attention.

Until verification of **both** the restriction and abandonment documentation is received, the DNR will continue to track this facility as an active BRR site.



Please be aware that this letter does not absolve the current, or any future owner of this property, from future decisions regarding this site or impacts which may be discovered and/or traced to past or future activities at this site. If additional information in the future indicates that further investigation and/or remediation is warranted, the Department will require that appropriate action be taken at that time.

The Department appreciates your efforts to protect and restore the environment at this site. If you have any questions regarding this letter, please contact me at (920) 424-7890.

Sincerely,



Kevin D. McKnight  
WDNR, Hydrogeologist  
[mcknik@dnr.state.wi.us](mailto:mcknik@dnr.state.wi.us)

cc: file

David Jackson, SIGMA, 220 East Ryan Rd., Oak Creek WI 53154-4533

REGISTER'S OFFICE,

Marquette County,  
Received for Record, the 28  
of Aug A. D. 1981  
2:35 o'clock P. M., and recorded  
Vol. 190 of Records on page 75  
Bernie M. Wegner  
Register

MEMORANDUM OF REAL ESTATE INTEREST

147111

The undersigned, Philip P. Malsack and Linda J. Malsack, husband and wife of the Township of Mecan, Marquette County, Wisconsin, hereby give notice that they have a purchasers interest from Beatrice Malsack in the following described real estate:

Lot 10, Mecan Assessor's Plat No. 3, Township of Mecan, Marquette County, Wisconsin.

Part of Government Lots 3 and 4, Section 21, Township 15 North, Range 11 East, Township of Mecan, Marquette County, Wisconsin, described as follows: Commencing at a point on the North right of way line of Arrowhead Road, which is North 708.74 feet and West 5221.76 feet from the meander corner on the East line of Government Lot 1 and the East line of said Section 21; thence along the Easterly right of way line of a town road, the following described bearing and distances: thence along the arc of a curve concave to the Southwest, radius 414 feet (the chord of which bears North 10°21'29" West, 103.29 feet) for a distance of 103.66 feet to a point of compound curve; thence along the arc of a curve concave to the Northeast, radius 242 feet (the chord of which bears North 09°46'45" West, 66.78 feet) for a distance of 66.99 feet; thence North 01°46'04" West, 32.44 feet to the point of beginning; thence continuing North 01°46'04" West, 789.21 feet along the Easterly right of way line of a town road; thence North 89°42'28" East, 215 feet parallel with the South right of way line of Fox Court; thence North 01°46'04" West, 215 feet parallel with the Easterly right of way line of said town road to a point on the South right of way line of Fox Court; thence North 89°42'28" East, 1658.25 feet along the South right of way line of Fox Court; thence South 21°02'54" East, 812.26 feet along a line through Lake Arrowhead; thence South 29°36'03" West, 289.43 feet; thence South 89°54' West, 406.97 feet to a point on the East line of Earle Vivian property recorded in Volume 110 of Deeds, page 532; thence North 0°06' West, 52.88 feet along the East line of the Earle Vivian property; thence South 89°54' West, 200 feet along the North line of the Earle Vivian property; thence South 0°06' East, 52.88 feet along the West line of the Earle Vivian property; thence South 89°54' West, 1383.99 feet along the North line of Marquette County Certified Survey Map #172 to the point of beginning. Said parcel contains 45.45 acres, more or less and is subject to easements of record.

Dated at Montello, Wisconsin on this 26<sup>th</sup> day of August, 1981.

Philip P. Malsack (SEAL)  
Philip P. Malsack

Linda J. Malsack (SEAL)  
Linda J. Malsack

VOL. 190 PAGE 75

State of Wisconsin )  
                                  ) ss.  
County of Marquette)

Personally came before me this 26<sup>th</sup> day of August, 1981 the above named Philip P. Malsack and Linda J. Malsack, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

THIS INSTRUMENT DRAFTED BY  
ATTORNEY GENE KOBEY

Gene Kobey  
Notary Public  
State of Wisconsin  
My Commission: is permanent

219468

Document Number

GROUNDWATER USE RESTRICTION

VOL 366 PAGE 328

Declaration of Restrictions

In re: Lot 10, Mecan Assessor's Plat No. 3, Township of Mecan, Marquette County, Wisconsin.

Part of Government Lots 3 And 4, Section 21, Township 15 North, Range 11 East, Township of Mecan, Marquette County, Wisconsin, described as follows: Commencing at a point on the North right of way line of Arrowhead Road, which is North 708.74 feet and West 5221.76 feet from the meander corner on the East line of Government Lot 1 and the East line of said Section 21; thence along the Easterly right of way line of a town road, the following described bearing and distances: thence along the arc of a curve concave to the Southwest, radius 414 feet (the chord of which bears North 10°21'29" West, 103.29 feet) for a distance of 103.66 feet to a point of compound curve; thence along the arc of a curve concave to the Northeast, radius 242 feet (the chord of which bears North 09°46'45" West, 66.78 feet) for a distance of 66.99 feet; thence North 01°46'04" West, 32.44 feet to the point of beginning; thence continuing North 01°46'04" West, 789.21 feet along the Easterly right of way line of a town road; thence North 89°42'28" East, 215 feet parallel with the South right of way line of Fox Court; thence North 01°46'04" West, 215 feet parallel with the Easterly right of way line of said town road to a point on the South right of way line of Fox Court; thence North 89°42'28" East, 1658.25 feet along the South right of way line of Fox Court; thence South 21°02'54" East, 812.26 feet along a line through Lake Arrowhead; thence South 29°36'03" West, 289.43 feet; thence South 89°54' West, 406.97 feet to a point on the East line of Earle Vivian property recorded in Volume 110 of Deeds, page 532; thence North 0°06" West, 52.88 feet along the East line of the Earle Vivian property; thence South 89°54' West, 200 feet along the North line of the Earle Vivian property; thence South 0°06' East, 52.88 feet along the West line of the Earle Vivian property; thence South 89°54' West, 1383.99 feet along the North line of Marquette County Certified survey Map #172 to the point of beginning. Said parcel contains 45.45 acres, more or less and is subject to easement of record

**REGISTER'S OFFICE,**

Marquette County, Wis.

Received for Record, the 26 day  
of October A.D. 19, 99 at  
10:10 o'clock A.M., and recorded in  
Vol 366 at Records on page 328

*Bernie M. Weger*  
BERNIE M. WEGGER, Register

Recording Area

Name and Return Address

*Philip Malsack 416.00 pd*

Parcel Identification Number (PIN)

STATE OF WISCONSIN )  
 ) ss  
COUNTY OF MARQUETTE )

WHEREAS, Beatrice Malsack along with Philip P. Malsack and Linda J. Malsack, husband and wife with purchasers interest are the owners of the above-described property.

WHEREAS, one or more petroleum discharges have occurred at this property. Petroleum contaminated groundwater above NR 140 enforcement standards exists on this property at the following location(s): Monitoring Well 3 (MW-3) with Methyl-tert-Butyl Ether (MTBE) of 28 parts per billion(ppb) and benzene of 380ppb and MW-5 with 26ppb MTBE and

benzene. Location of monitoring wells and borings are provided on Figure 1, attached and made part of this action.

WHEREAS, it is the desire and intention of the property owner to impose on the property restrictions which will make it unnecessary to conduct additional soil or groundwater remediation activities on the property at the present time.

WHEREAS, natural attenuation has been approved by the Department of Natural Resources to remediate groundwater exceeding ch. NR 140 groundwater standards within the boundaries of this property.

WHEREAS, construction of wells where the water quality exceeds the drinking water standards in ch. NR 809 is restricted by ch. NR 811 and ch. NR 812. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply.

NOW THEREFORE, the owner hereby declares that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restrictions:

Anyone who proposes to construct or reconstruct a well on this property is required to contact the Department of Natural Resources' Bureau of Drinking Water and Groundwater, or its successor agency; to determine what specific prohibitions or requirements are applicable, prior to constructing or reconstructing a well on this property. No well may be constructed or reconstructed on this property unless applicable requirements are met.

If construction is proposed on this property that will require dewatering, or if groundwater is to be otherwise extracted from this property, while this groundwater use restriction is in effect, the groundwater shall be sampled and analyzed for contaminants that were previously detected on the property and any extracted groundwater shall be managed in compliance with applicable statutes and rules.

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property whether by descent, devise, purchase or otherwise. This restriction benefits and is enforceable by, the Wisconsin Department of Natural Resources, its successors and assigns. The Department, its successors or assigns, may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that the restrictions set forth in this covenant are no longer required. Upon receipt of such a request, the Wisconsin Department of Natural Resources shall determine whether or not the restrictions contained herein can be extinguished. If the Department determines that the restrictions can be extinguished, an affidavit, with a copy of the Department's written determination, may be recorded to give notice that this groundwater use restriction is no longer binding.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 26 day of OCTOBER, 1999.

Signature: Philip P. Malsack

Printed Name: PHILIP P. MALSACK

Signature: Linda J. Malsack

Printed Name: LINDA J. MALSACK

Signature: \_\_\_\_\_

**VOL 366 PAGE 329**

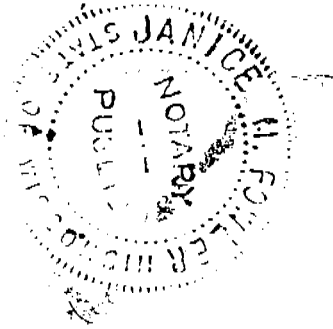
ated Name: JANICE M. Fowler

**VOL 366 PAGE 330**

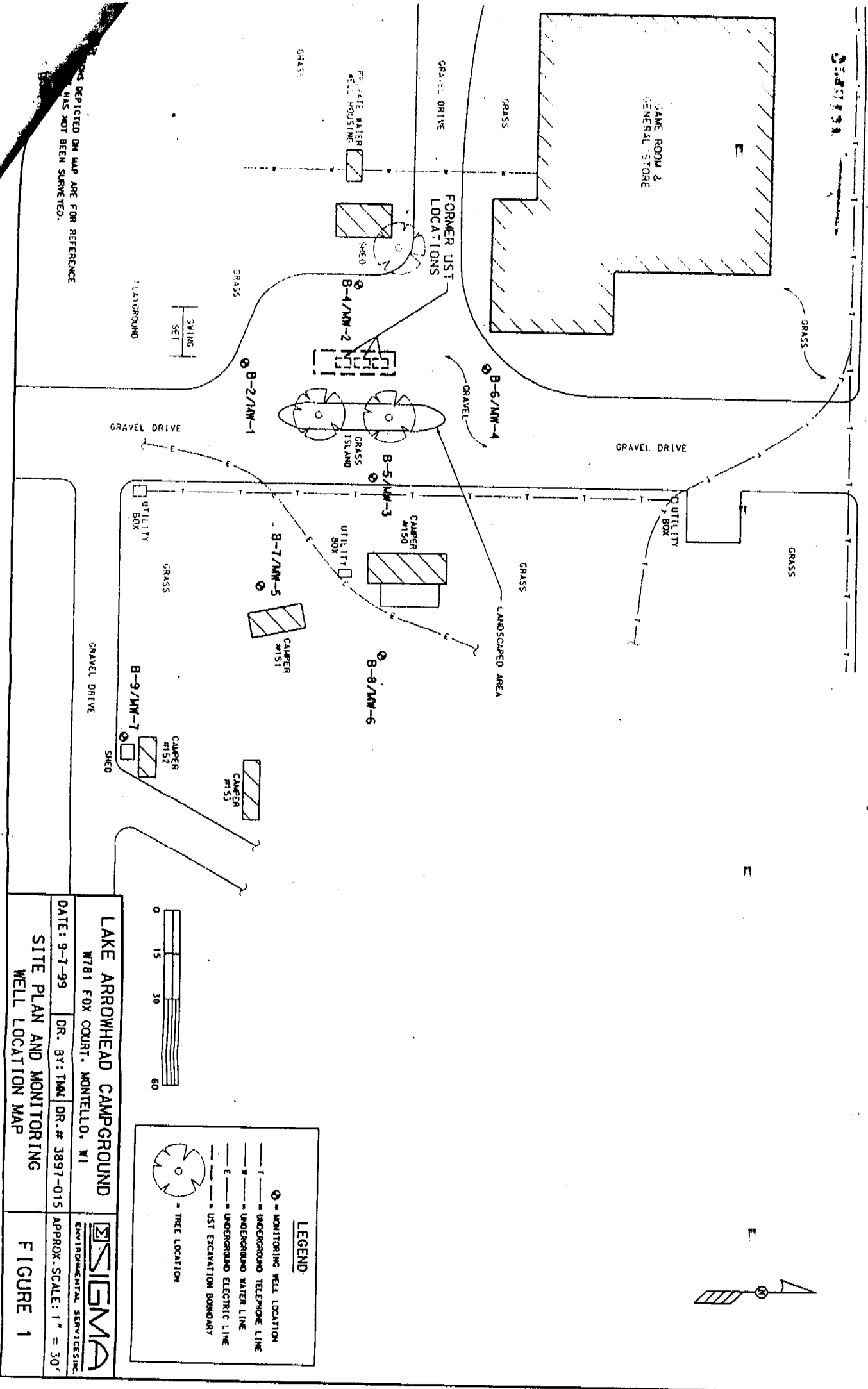
Subscribed and sworn to before me  
this 26 day of October, 1999

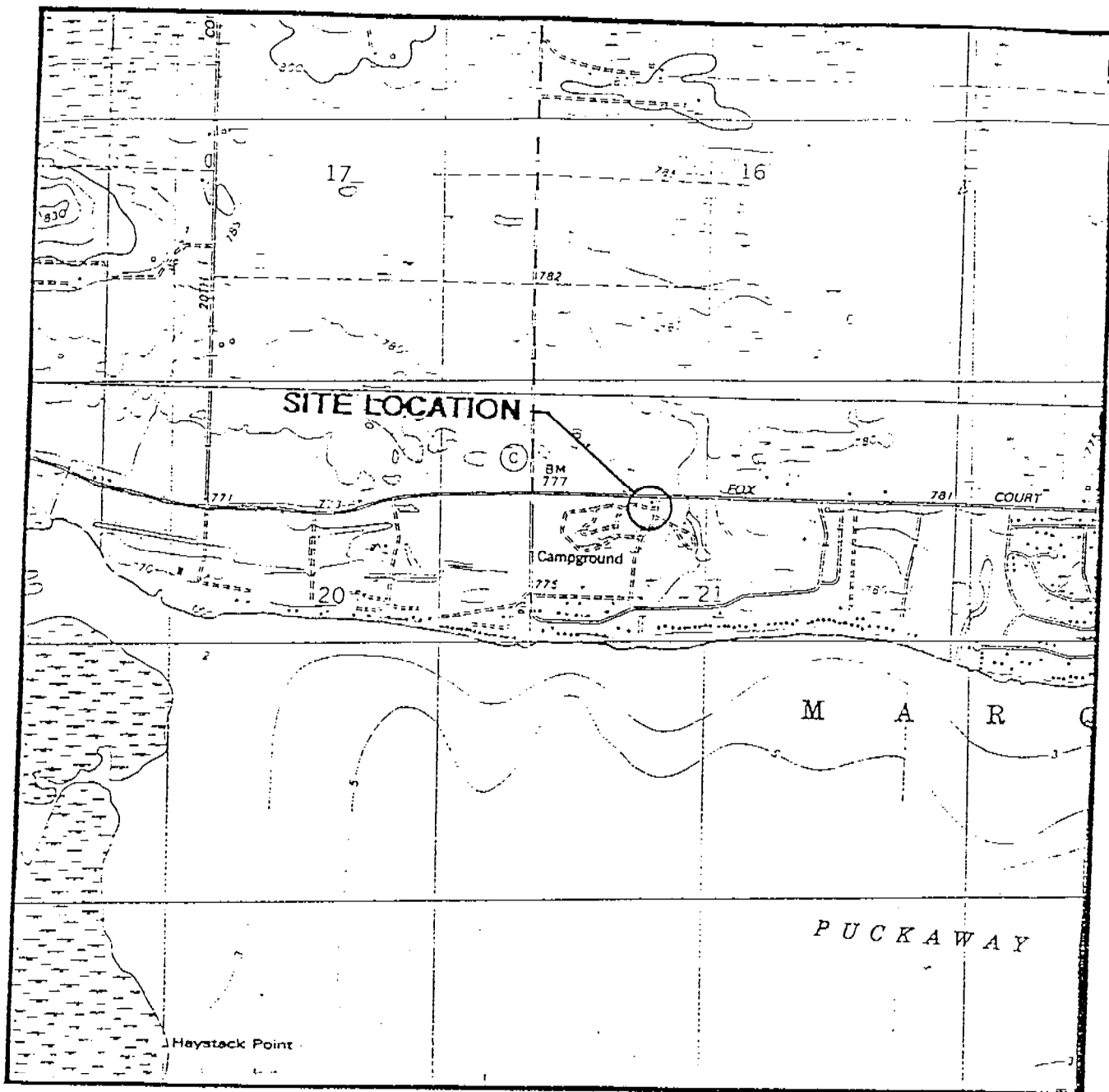
Janice M. Fowler  
Notary Public, State of Wis  
My commission 08/31/03

This document was drafted by the Wisconsin Department of Natural Resources.



This figure needs to be enlarged 121% for full scale.





SW 1/4 of NW 1/4 Sec. 21 T. 15N R. 11E

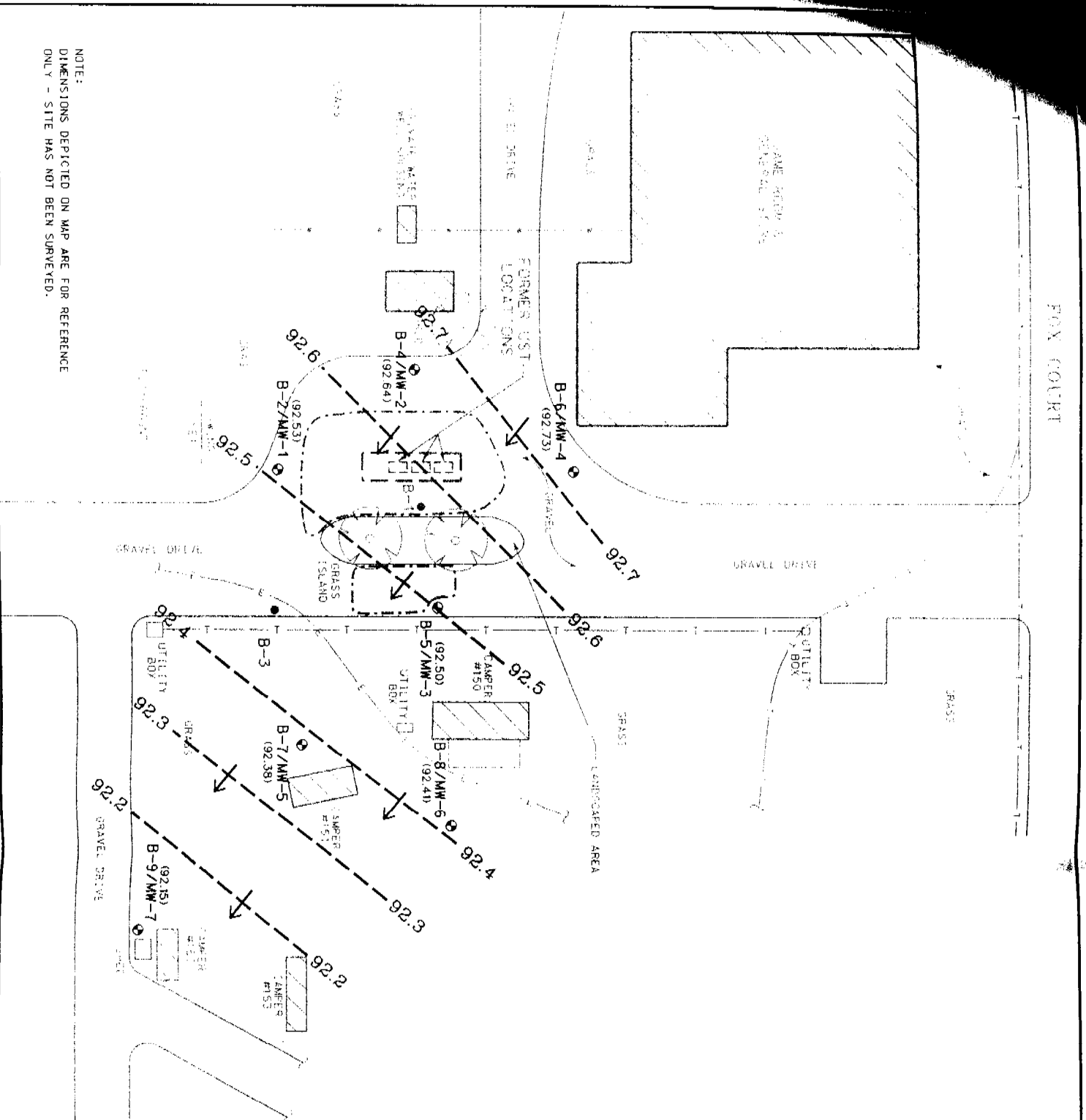


WISCONSIN

ADAPTED FROM U.S.G.S. 7.5 MINUTE SERIES, PRINCETON WEST, WISCONSIN QUADRANGLE DATED 1984

LAKE ARROWHEAD CAMPGROUND W781 FOX COURT, MONTELLO, WI			 ENVIRONMENTAL SERVICES INC.
DATE: 1-16-97	DR. BY: BEB	DR. # 3760-001	
SITE LOCATION MAP			FIGURE 1





NOTE:  
DIMENSIONS DEPICTED ON MAP ARE FOR REFERENCE  
ONLY - SITE HAS NOT BEEN SURVEYED.

### LEGEND

- = MONITORING WELL LOCATION
- = SOIL BORING LOCATION
- = UNDERGROUND TELEPHONE LINE
- = UNDERGROUND WATER LINE
- = UNDERGROUND ELECTRIC LINE
- = EXCAVATION BOUNDARY
- = OVER EXCAVATION BOUNDARY
- = TREE LOCATION
- = GROUNDWATER CONTOUR LINE. CONTOUR INTERVAL = .1'
- = STATIC GROUNDWATER LEVEL (11-17-97)
- = GROUNDWATER FLOW DIRECTION



LAKE ARROWHEAD CAMPGROUND			
W781 FOX COURT, MONTELELO, WI			
DATE: 5-6-99	DR. BY: TMM	DR. # 3897-010	APPROX. SCALE: 1" = 30'
GROUNDWATER CONTOUR MAP			FIGURE 6A
(11-17-97)			



FOX COURT

GAME ROOM &  
GENERAL STORE

MW-4				
DATE	11-17-97	2-2-98	5-27-98	8-27-98
B	0.31	<0.21	<0.32	<0.32
E	<0.68	<0.68	<0.34	<0.34
T	<1.5	<1.5	<0.35	<0.35
MTBE	<0.21	<0.83	<1	<1

GRAVEL DRIVE

FORMER UST  
LOCATIONS

PRIVATE WATER  
WELL HOUSING

SHED

MW-2				
DATE	11-17-97	2-2-98	5-27-98	8-27-98
B	<0.21	0.22	<0.32	<0.32
E	<0.68	<0.68	<0.34	<0.34
T	<1.5	<1.5	<0.35	<0.35
MTBE	<0.51	1	<0.31	1.9

GRASS

GRASS

MW-1				
DATE	11-17-97	2-2-98	5-27-98	8-27-98
B	0.31	0.22	<0.32	<0.32
E	<0.68	<0.68	<0.34	<0.34
T	<1.5	<1.5	<0.35	<0.35
MTBE	<0.15	<0.21	<0.31	<0.31

GRASS

PLAYGROUND

GRAVEL DRIVE

GRAVEL DRIVE

SHED

MW-7				
DATE	11-17-97	2-2-98	5-27-98	8-27-98
B	<0.21	<0.21	<0.32	<0.32
E	<0.68	<0.68	<0.34	<0.34
T	<1.5	<1.5	<0.35	<0.35
MTBE	<0.1	<0.1	<0.31	<0.31

CAMPER  
#153

MW-5				
DATE	11-17-97	2-2-98	5-27-98	8-27-98
B	[4703]	[2403]	[1161]	[8203]
E	<3.4	<0.68	3	4.1
T	<7.5	<1.5	5	14
MTBE	10	2	16	76
	49	31	19	26

MW-6				
DATE	11-17-97	2-2-98	5-27-98	8-27-98
B	2.1	1.5	1.37	2.4
E	<0.68	<0.34	<0.34	<0.34
T	<1.5	<1.5	<0.35	<0.35
MTBE	<1.8	<1.8	<0.98	<0.98
	1	1	<0.31	1.6

MW-3				
DATE	11-17-97	2-2-98	5-27-98	8-27-98
B	[2503]	[4703]	4.4	[3903]
E	1.7	9	<0.34	14
T	32	46	3	120
MTBE	59	240	3	130
	33	48	10	28

GRAVEL DRIVE

GRASS

LANDSCAPED AREA

CAMPER  
#150

UTILITY  
BOX

CAMPER  
#151

CAMPER  
#152

UTILITY  
BOX

SHED

CAMPER  
#152

CAMPER  
#153

#### ANALYTICAL KEY

B = BENZENE  
T = TOLUENE  
E = ETHYL BENZENE  
X = TOTAL XYLENES  
MTBE = METHYL-TERT-BUTYL ETHER  
[ ] = EXCEEDS NR 140 ENFORCEMENT STANDARD  
ALL CONCENTRATIONS EXPRESSED  
IN MICROGRAMS PER LITER (UG/L)

#### LEGEND

- = MONITORING WELL LOCATION
- = SOIL BORING LOCATION
- = UNDERGROUND TELEPHONE LINE
- = UNDERGROUND WATER LINE
- = UNDERGROUND ELECTRIC LINE
- = UST EXCAVATION BOUNDARY
- = OVER EXCAVATION BOUNDARY
- = TREE LOCATION



LAKE ARROWHEAD CAMPGROUND

W781 FOX COURT, MONTELEO, WI

**SIGMA**  
ENVIRONMENTAL SERVICES INC.

DATE: 1-19-99 DR. BY: BEB DR. # 3897-014 APPROX. SCALE: 1" = 30'

GROUNDWATER QUALITY MAP

FIGURE 4

NOTE:  
DIMENSIONS DEPICTED ON MAP ARE FOR REFERENCE  
ONLY - SITE HAS NOT BEEN SURVEYED.